

Docket No. END5244USNP

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**Applicants** 

Gregory J. Bakos, et al.

Serial No.

10/729,754 10/723,799 Art Unit: 3736

Filed

December 5, 2003

Examiner: Not Assigned

For

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, PO Box 1450, Alexandria, VA 22313-1450 on

> March 25, 2005 (Date of Deposit)

> > Linda F. Hansen

(Name of applicant, person signing, assignee, or Registered Representative)

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## INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

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This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under \$1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in \$1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under \$1.114, no additional fee is required.

In accordance with \$1.129(a), this Information
Disclosure Statement is being filed in connection with $\square$ the
first or  second After Final Submission, therefore:
<pre>Statement in Accordance with §1.97(e)</pre>
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either a F	e Stat Final	coordance with \$1.97(d), this Information ement is being filed after the mailing date of Action under \$1.113 or a Notice of Allowance
		out before the payment of the Issue Fee.
* -		ereby petition(s) for consideration of this
		sclosure Statement. Included are: Statement in
Accordance	e with	§1.97(e) as set forth below and the fee of
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⊠ on the att	-	es of each of the non-US patent references listed Form PTO-1449 are enclosed herewith.
☐ 1449 are €	-	es of references listed on the attached Form PTO- sed herewith EXCEPT THAT:
		In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.
·		If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.
×	There	e are no listed references which are not in the

English language.

The relevance of those listed references which are not in the English language is as follows:
Attached are copies of search report(s) from
corresponding patent application(s), which are listed on the
attached Submission Under MPEP 609 D.
Copies of the references listed on the search
report(s) are included except the cited U.S. Patents.
Attached are the following non-published pending patent applications which may be deemed relevant, which are

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listed on the attached Submission Under MPEP 609 D.

Respectfully submitted,

Gerry S. Gressel

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Attorney for Applicants

Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick, NJ 08933-7003
(513) 337-3535
DATED: March 24 2005

Inder the Paperwork Reduction Act of 1995, no persons are required to respond to

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Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary) Sheet 1 of 1

a collection of information unless it displays	a valid UMB control number.
Application Number	10/723,799
Filing Date	November 26, 2003
First Named Inventor	Paul Ritchie et al.
Group Art Unit	3739
Examiner Name	Not assigned
Attorney Docket Number	END5123USNP

-		U.S. Patent Document			Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
Initials e	Cit e 20		Code <sup>2</sup> nown)	Name of Patentee or Applicant of Cited Document		
		6,611,793	B1	Burnside, et al.	08-26-2003	ALL
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U.S. PATENT DOCUMENTS

**FOREIGN PATENT DOCUMENTS** Foreign Patent Document Date of Publication Pages, Columns, Lines, of Cited Document where relevant Name of Patentee or passages or relevant Examiner Cit mm-dd-yyyy **Applicant of Cited Document** figures appear Initials 8 Office<sup>3</sup> Number<sup>4</sup> KindCode<sup>5</sup> Νo EP Α ALL 1201196 Ethicon Endo-Surgery, Inc. 05-02-2002 ALL

Examiner		Date	I	
Signature		Considered	<u> </u>	

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<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. 2 See attached Kinds of U.S. Patent Documents. 3 Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). 4 For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. 5 Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. 6 Applicant is to place a check mark here if English language Translation is attached.



## SUBMISSION UNDER MPEP 609 D

Application Number 10/723,799
Filing Date November 26, 2003
First Named Inventor Paul G. Ritchie
Group Art Unit 3739
Examiner Name Not Assigned
Attorney Docket Number END5123USNP

Page 1 of 1

U.S. PATENT DOCUMENTS							
		Name of Patentee or Applicant of Cited Document	U.S. Patent Docum				
Examiner Initials	Cite No.1		Kind Code <sup>a</sup> Number (if known)		Pages, Columns, Lines, where relevant passages or relevant figures appear		
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FOREIGN PATENT DOCUMENTS Foreign Patent Document Pages, Columns, Lines, where relevant passages or relevant figures Name of Patentee or Examiner Cite To Applicant of Cited Document Number<sup>4</sup> KindCode<sup>5</sup> Office<sup>1</sup> appear Initials No.1 99/67156 **BANERIAN KIRK** wo ALL OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), Cite No.1 title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), Examiner volume-issue number(s), publisher, city and/or country where published Initials\* EPO Search Report dated February 25, 2005 for corresponding patent application, European Patent Application No. EP 04 25 7326 (Atty. Docket No. END5123USNP).

Examiner	•	Date		
Signature		Considered		